

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:

Jordi Tormo I BLASCO et al.

Application No.: 10/589,876

Confirmation No.: 2828

Filed: August 18, 2006

Art Unit: 1624

For: 5,6-DIALKYL-7-
AMINOTRIAZOLOPYRIMIDINES,
METHOD FOR THEIR PRODUCTION,
THEIR USE FOR CONTROLLING
PATHOGENIC FUNGI, AND AGENTS
CONTAINING SAID COMPOUNDS

Examiner: J. H. Murray

LETTER SUBMITTING ADDITIONAL DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Supplemental to the Letter filed May 18, 2010 and the Submission under 37 CFR 1.114 filed February 22, 2010, enclosed is an additional Declaration under 37 CFR 1.132, hereinafter the Haden III Declaration. The Haden III Declaration provides additional comparative test results between Compound Example A-47 of Table 1 (present invention) and Example 21 of Eicken '303 (US 4,617,303); as well as between Compound Example A-1 (present invention) and Example 16 of Eicken '303. These additional comparative tests provide additional evidence to support the patentable distinctions between the presently claimed compounds and the closest examples disclosed by Eicken '303. It is requested that the Patent Examiner take these results into consideration along with the comparative test results provided in the previously submitted

Haden I and Haden II Declarations, as well as the remarks submitted with the Submission filed February 22, 2010.

In view of the above evidence, as well as the previously submitted comparative test evidence, it is submitted that significant patentable distinctions exist between the presently claimed invention and Eicken '303, such that the previous rejection based on Eicken '303 should not be maintained, and the present application should be placed into condition for allowance.

If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: July 7, 2010

Respectfully submitted,

By 

Andrew D. Meikle

Registration No.: 32868

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, VA 22040-0747

703-205-8000

Enclosure: Haden III Declaration